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## **EuroMed Justice III Project**

### **Component 3: Criminal and Penitentiary Law Working Group 3.1**

#### **Working Group on Criminal Law in order to prepare a tool equivalent to the so-called “fiches belges”**

**Rome, 5-7 June 2012**

#### **Final Conclusions**

The 1<sup>st</sup> Meeting of the Working Group 3 on the component “Criminal and Penitentiary Law” of the EuroMed Justice III Project of the European Commission, funded by the European Union, was held on 5-7 June 2012 in Rome.

The participants were members of the delegations of the following Mediterranean countries: Algeria, Israel, Jordan, Lebanon, Morocco and Tunisia. One representative of the European Judicial Network and one representative of the host country, Italy, took part as speakers.

The meeting was opened by Ms Maria Luisa Fichera, National Focal Point in Italy for the EuroMed Justice III Project, and by Mr Andrés Salcedo Velasco, Team Leader of the EuroMed Justice III Project, who welcomed the participants, and was closed by Mr Andrés Salcedo Velasco.

The background, the context and the structure of the working group meetings that will be developed under this component, including their overall approach and the main topics suggested for discussion, were introduced by the Project Team that will be in charge of this activity.

In addition, the Project Team presented the project website and the different tools offered in order to support the intermediate work of the participants/experts/project team in between the different meetings of the working group.

Furthermore, two presentations were made during the meeting, the first one on “The work developed by the European Judicial Network (EJN): the ‘fiches belges’”. This presentation was made by Ms Ele-Marit Eomois, Legal Assistant at the European Judicial Network. During this presentation the speaker introduced the work developed by this institution, the main tools developed by them in order to facilitate international criminal cooperation and, more specifically, the content, history and functioning of the so called “fiches belges”.

The second presentation was titled “Italian regime in matters of Interception of communication and mails, and Infiltrated agents”. This presentation was delivered by Ms Elisabetta Pugliese, Deputy Public Prosecutor at the National Antimafia Office in Rome. During her presentation, Ms Pugliese explained the Italian system and its requirements, limits, peculiarities, etc related to the topics addressed.

The representatives of the Mediterranean countries took then the floor to make a presentation on the current situation in this field in their respective countries. These presentations were followed by an open debate.

Considering the objectives of this meeting and taking into account the recommendations made during the working sessions and the debate, the participants are of the opinion that this first meeting gave them the opportunity:

- a) To start the debate and the overall approach to the handbook (*fiches belges*-like type).
- b) To explain and agree on the methodology to be followed during the different meetings of this Working Group. In this respect and in order to achieve the main objective of this Working Group, this methodology will allow us to obtain an equivalent instrument to the so-called “*Fiches belges*” from the perspective and current legal framework of the Beneficiary Countries.
- c) In this respect, during this meeting we have had the opportunity to work on the *fiches belges* focused on “Tracing and interception of (tele) communications”, and “Agents and informers”. More particularly, we had the opportunity to work on the fiches focused on: “Interception, recording and transcription of telecommunication”, “Tracing of telecommunications”, “Interception and recording of other forms of communication”, “Interception of mail” and “Observation”, “Infiltration by undercover agents of the requested State”, Infiltration by agents of the requesting State in the territory of the requested State”, “Infiltration by an informer of the requested State”, and “Handling of informers”
- d) To be informed that the meetings and the work in between the meetings will be interconnected by means of a virtual platform (separate forum, document folder, etc.) specially developed for this working group, and accessible via the project website, thus allowing for a continued exchange of information and possible contributions.
- e) To promote mutual understanding and knowledge of the different judicial systems concerning criminal law in the different countries which take part in the meeting.
- f) To further strengthen cooperation among the Euro-Mediterranean Partners in the field of justice and criminal law matters.
- g) To have a fruitful debate on the state of play in the field of criminal law in the Mediterranean countries, while presenting their respective experience and legal framework.

Participants also expressed the intention:

- ❑ To further reinforce the dialogue and to continue to work together in between the three meetings devoted to this component in order to produce the *fiches belges* like tool expected at the end of their work. To this end, they could use the virtual platform on the EuroMed Justice III project website.
- ❑ To inform the concerned authorities and institutions in their respective countries of the results of this WG meeting in view of taking advantage of the experience gained during this meeting.

Finally and taking into account the main objective of this working group - the handbook - and considering that the work will be developed during 3 working group meetings, the last one being in January 2013, the participants agreed to continue the discussion on this topic during the next meeting without prejudice of the possibility for them of being in contact with the expert/s, project team and between themselves through the above-mentioned virtual platform on the project website. In addition, the participants were informed that the next meeting will take place on 16-18 October 2012.

Participants agree with the conclusions of this meeting.

Participants are grateful to the Directorate-General Development and Co-operation- EuropeAid, European Commission, and to the Project Team for the organisation of this meeting.

Rome, 7 June 2012